IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Inventors	:	Stephen B. Bove, et al.
Serial No.	:	09/777,492
Filing Date	:	February 5, 2001
Title	:	SYSTEM AND METHOD FOR ANONYMOUS LEAD GENERATION AND MANAGEMENT
Group/Art Unit	:	3691
Patent Office	:	Siegfried E. Chencinski
Confirmation No.		8359
Docket No.	:	773919-0511

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Commissioner for Patents
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AMENDED APPEAL BRIEF

In accordance with the provisions of 37 C.F.R. § 41.37, Applicant submits this Amended Appeal Brief in response to the Notification of Non-Compliant Appeal Brief dated June 10, 2008. It is respectfully requested that the following Amended Appeal Brief be substituted in its entirety for the Appeal Brief filed on May 29, 2008.

Enclosed herewith is a Petition for Extension of Time in which to file the Amended Appeal Brief, along with the requisite fee.

The Director is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-4409.

I. REAL PARTY IN INTEREST

The real party in interest in the present appeal is the assignee, Move, Inc., 30700 Russell Ranch Road, Westlake Village, California. The assignment from the inventors to Homestore.com was recorded on June 28, 2001 at reel/frame 011938/0813. The change of name from Homestore.com to Homestore, Inc. was recorded on February 25, 2003 at reel/frame 013446/0182. The change of name from Homestore, Inc. to Move, Inc. was recorded on January 28, 2008 at reel/frame 020422/0393.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF CLAIMS

Claims 1-25 are pending in the application. Claims 1-25 stand finally rejected.

The present appeal is directed to claims 1-25, which are reproduced in the claims index attached hereto.

1. Claim 21 stands rejected under 35 U.S.C. § 101 because the invention is not directed at statutory subject matter.

2. Claims 1 and 9 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

3. Claims 1 and 9 stand rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential steps.

4(a). Claims 1, 9 and 16 stand rejected under 35 U.S.C. § 112, second paragraph for lack of an antecedent basis for the "transmitting said proposal" step.

4(b). Claims 1, 9, and 16 stand rejected under 35 U.S.C. § 112, second paragraph for lack of antecedent basis for "anonymously submitted database search criteria."

5.   Claims 1, 3, 5-9, 10, 12-16 and 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,574,608 to Dahod et al. in view of U.S. Patent No. 6,868,389 to Wilkins et al.

6.   Claims 2, 11 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,574,608 to Dahod et al. and U.S. Patent No. 6,868,389 to Wilkins et al. as applied to claims 1, 9, and 16 above, and further in view of U.S. Patent No. 6,839,680 to Liu et al.

7.   Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,574,608 to Dahod et al. and U.S. Patent No. 6,868,389 to Wilkins et al. as applied to claim 1 above, and further in view of U.S. Patent No. 5,794,207 to Walker et al.

8.   Claims 21-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,574,608 to Dahod et al. in view of U.S. Patent Application No. 2002/0169626 to Walker et al.

9.   Claims 24 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,574,608 to Dahod et al. in view of U.S. Patent Application No. 2002/0169626 to Walker et al. as applied to claim 21, and further in view of U.S. Patent 6,662,199 to Flight et al.

IV. STATUS OF AMENDMENTS

No claim amendments have been filed subsequent to the final rejection set forth in the Office Action dated February 13, 2006.

V. SUMMARY OF CLAIMED SUBJECT MATTER

A.   <u>Overview of the Present Invention</u>

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The present invention relates to providing services via a computer network, specifically software application services directed to generating and managing anonymous leads to assist in the buying and selling of goods and/or services.

The specification of the present application thus describes a system and method for generating anonymous leads from anonymously submitted database search criteria. Referring to Fig. 1 of the present application, and the accompanying description, either a registered or an unregistered consumer uses a search-requestor device 140 to submit search criteria to server 120. (¶¶ [32] & [34], p.7). For each type of consumer, registered or unregistered, the user database 126 stores a user identifier and the search criteria. (¶ [34], p.7). For an unregistered consumer, the user identifier is equivalent to a device identifier. (¶ [36]-[37], p.8). The consumer's stored search criteria is organized as a prospect which may be presented as a lead to a business expert. (¶ [11], p.3). For an unregistered consumer, the business expert may send a proposal to server 120 for the consumer. *Id.* If the search-requestor device 140 connects to the server 120 again, then the server will forward the proposal to the device for viewing by any person, including the unregistered consumer. (¶¶ [37-39], pp.8-9).

B.   Description of Claimed Subject Matter

1.   Claims 1-8

Claims 1-8 are directed to a computer-implemented method for generating anonymous leads from anonymously submitted database search criteria. Independent claim 1 will be described with reference to the exemplary embodiments of the invention provided in the application, as described above, and with reference to specific paragraphs of the specification and to specific figures and reference numerals, where applicable.

The computer-implemented method of independent claim 1 (and thus dependent claims 2-8) comprises: (a) maintaining a prospect database identifying device-identifying information and

corresponding prospect information comprising (Fig. 2A-2D; ¶¶ [44-88]): (i) prospect-identifying information (¶¶ [36-38], p.8), (ii) anonymously submitted search criteria (¶ [44], p.p.10-11), and; (iii) search information corresponding to said search criteria (¶ [48], p.10).; (b) transmitting said prospect information to a business expert in a prospect presentation, wherein the prospect presentation is designed to enable generation of a proposal, and wherein the prospect information does not include the device-identifying information from a prospect (¶ [11], p.3); and (c) transmitting said proposal to a device associated with the prospect for which the proposal is generated. (¶ [66], p.14).

2.   Claims 9-15

Claims 9-15 are directed to a system anonymously connecting business experts with consumers. Independent claim 9 will be described with reference to the exemplary embodiments of the invention provided in the application, as described above, and with reference to specific paragraphs of the specification and to specific figures and reference numerals, where applicable.

The system of claim 9 (and thus dependent claims 10-15) (Fig. 1) comprises: (a) a database (126) for storing prospects having anonymously submitted search criteria (¶ [34], p. 7); and search information corresponding to said search criteria (¶ [34], p. 7); and (b) a server engine (120) coupled with a network (100) and the database (126), the server engine (120) being configured to: (i) receive requests including device-identifying information and anonymously submitted search criteria (¶ [32], p. 7) (ii) generate the prospects (¶ [34], p. 7); (iii) supply a business database (128) with the anonymously submitted search criteria; (iv) provide anonymous leads derived from the prospects (¶ [32], p. 7); and (v) furnish proposals directed to users of identified devices (¶ [75], p. 15).

3.   Claims 16-21

Claims 16-21 are directed to a computer readable medium having computer program instructions stored therein. Independent claim 16 will be described with reference to the exemplary embodiments of the invention provided in the application, as described above, and with reference to specific paragraphs of the specification and to specific figures and reference numerals, where applicable.

The computer program instructions of claim 16 (and thus dependent claims 17-21) comprises instructions for: (a) generating a prospect (Fig. 2A; ¶ [46], p. 10) having: (i) device-identifying information (¶ [36], p. 8); (ii) prospect-identifying information (¶¶ [36-38], p. 8); (iii) anonymously submitted search criteria (¶[32], p. 7); and (iv) search information corresponding to said search criteria (¶ [48], p.10); (b) providing prospect information to a business expert in a prospect presentation (¶ [11], p.3), wherein the prospect presentation is designed to enable generation of a proposal, and wherein the prospect information does not include the device-identifying information from the prospect (Fig. 2D; ¶ [79], p. 16); and (c) providing the proposal to a device associated with the prospect for which the proposal is generated (Fig. 2D; ¶ [75], p. 15).

4.   Claims 21-25

Claims 21-25 are directed to a computer implemented method for anonymously connecting sales agents with consumers of housing. Independent claim 21 will be described with reference to the exemplary embodiments of the invention provided in the application, as described above, and with reference to specific paragraphs of the specification and to specific figures and reference numerals, where applicable.

The computer-implemented method of claim 21 (and thus dependent claims 22-25) comprises: (a) providing a software application (¶ [32], p. 7); designed to communicate with a database (128) containing information regarding housing (¶ [49], p. 10), wherein the software

application is accessible via a computer network (100) and enables searching of the database

(128), whereby search criteria is stored in association with search-requestor information without

a requirement of user registration (¶¶ [36, 46], p.p. 8, 10); and (b) wherein the software

application generates prospects from the search criteria for viewing, and the software application

enables generation of search-requestor-directed proposals based upon the prospects without

revealing contact information for the search-requestor (¶ [75], p. 15).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1.   Appellant's Claim 21 Is Not Directed To Statutory Subject Matter

Whether Claim 21 (and, thus dependent claims 22-25) is unpatentable under 35 U.S.C. §

101 as not directed to statutory subject matter in that the Patent Office states the invention in

claim 21 is software, not one of the following categories: process, machine, manufacture, or

composition of matter. (Office Action of June 18, 2007, ¶ 1, p. 2).

2.   Appellant's Claims 1 and 9 Fail To Comply With The Written Description

Requirement

Whether claims 1 and 9 (and, thus, dependent claims 2-8 and 10-15), are unpatentable

under 35 U.S.C. § 112, ¶ 1 as failing to comply with the written description requirement. The

Patent Office states that "[t]he claimed anonymity does not exist in Applicant's disclosure even

though the language of anonymity is used." (Office Action of June 18, 2007, ¶ 2, p. 2).

3.   Appellant's Claims 1 and 9 Are Incomplete For Omitting Essential Steps

Whether claims 1 and 9 (and, thus, dependent claims 2-8 and 10-15), are unpatentable

under 35 U.S.C. § 112, ¶ 2 as being incomplete for omitting essential steps. The Patent Office

states that the essential step of "generating a proposal to be transmitted OR the declining by the

business expert of doing so, and the termination of the steps at that point" is missing between

"transmitting said prospect information to a business expert in a prospect presentation, wherein the prospect presentation is designed to enable generation of a proposal . . ." and "transmitting said proposal to a device . . .". (Office Action of June 18, 2007, ¶ 3, p. 3).

4(a). **Appellant's Claims 1, 9 and 16 Lack Antecedent Basis For The "transmitting said proposal" Step**

Whether claims 1, 9 and 16 (and, thus, dependent claims 2-8, 10-15 and 17-20), are unpatentable under 35 U.S.C. § 112, ¶ 2 for lack of antecedent basis for the "transmitting said proposal" step. (Office Action of June 18, 2007, ¶ 4(a), p. 3).

4(b). **Appellant's Claims 1, 9 and 16 Lack Antecedent Basis For "anonymously submitted database search criteria"**

Whether claims 1, 9 and 16 (and, thus, dependent claims 2-8, 10-15 and 17-20), are unpatentable under 35 U.S.C. § 112, ¶ 2 for lack of antecedent basis for the claimed "anonymous leads from anonymously submitted database search criteria" in the preamble and for the "anonymously submitted database search criteria" in the claim limitations. (Office Action of June 18, 2007, ¶ 4(b), p. 3).

5. **Appellant's Claims 1, 3, 5-9, 10, 12-16 and 18-20 Are Obvious Over Dahod et al. In View of Wilkins et al.**

Whether claims 1, 9 and 16 (and, thus, dependent claims 2-8, 10-15 and 17-20), are unpatentable under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,574,608 to Dahod et al. in view of U.S. Patent No. 6,868,389 to Wilkins et al. (Office Action of June 18, 2007, ¶ 5, p. 5).

6. **Appellant's Claims 2, 11 and 17 Are Obvious Over Dahod et al. and Wilkins et al. and Further In View of Liu**

Whether claims 2, 11 and 17 are unpatentable 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,574,608 to Dahod et al. and U.S. Patent No. 6,868,389 to Wilkins et al. as applied to claims 1, 9, and 16 above, and further in view of U.S. Patent No. 6,574,608 to Liu et al. (Office Action of June 18, 2007, ¶ [6], p. 10).

7.   Appelant's Claim 4 Is Obvious Over Dahod et al. and Wilkins et al. and Further In View of Walker et al.

Whether claim 4 is unpatentable under 35 U.S.C. § 103(a) as obvious over Dahod et al. and Wilkins et al., and further in view of U.S. Patent Application 2002/D169,626 to Walker et al. (Office Action of June 18, 2007, ¶ [7], p.p. 10-11).

8.   Appellant's Claim 21 Is Obvious Over Dahod et al. In View of Walker et al.

Whether claim 21 (and, thus dependent claims 22-25) is unpatentable under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,574,608 to Dahod et al. in view of U.S. Published Application No. 2002/0169626 to Walker et al.. (Office Action of June 18, 2007, ¶ 8, p.p. 11-12).

9.   Appellant's Claims 24 and 25 Are Obvious Over Dahod et al. In View of Walker et al. and Further In View of Flight et al.

Whether claims 24 and 25 are unpatentable under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,574,608 to Dahod et al. in view of U.S. Patent Application No. 2002/0169626 to Walker et al. as applied to claim 21, and further in view of U.S. Patent 6,662,199 to Flight et al. (Office Action of June 18, 2007, ¶ [9], p.p. 12-13).

VII. ARGUMENT

1.   Appellant's Claim 21 Is Directed To Statutory Subject Matter

The Patent Office erred in rejecting claim 21 under 35 U.S.C. § 101 as not directed to statutory subject matter. The Patent Office stated that claim 21 was not statutory subject matter because the invention in claim 21 is software. (Office Action of June 18, 2007, p. 2). Part 1 of M.P.E.P. § 2106.01 states that if a "computer program is being claimed as part of an otherwise statutory manufacture or machine [then] the claim remains statutory irrespective of the fact that a computer program is included in the claim. The same result occurs when a computer program is used in a computerized process where the computer executes the instructions set forth in the computer program."

Claim 21 is directed toward "A computer-implemented method for anonymously connecting sales agents with consumers of housing, comprising: (a) providing a software application . . .". Claim 21 is directed to statutory subject matter, in accordance with M.P.E.P. § 2106.01, because claim 21 claims a computer program that is used in a computerized process where a computer executes the instructions set forth in the computer program. Therefore, the Patent Office erred in rejecting claim 21 (and, thus, dependent claims 22-25), under 35 U.S.C. § 101.

2.   Appellant's Claims 1 and 9 Do Not Fail To Comply With The Written Description Requirement

The Patent Office erred in rejecting claims 1 and 9 under the written description requirement of 35 U.S.C. § 112, ¶ 1. In rejecting the claims, the Patent Office stated that "[t]he claimed anonymity does not exist in Applicant's disclosure even though the language of anonymity is used." (Office Action of June 18, 2007, p. 2.) To satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention at the time the application was filed. M.P.E.P. § 2163, Part 1.

As originally filed, the specification of the application states:

> One object of this invention is to enable generation of business leads, which are completely anonymous. These business leads are anonymous in at least two respects: (1) they are anonymous in that a business expert reviewing the lead can neither identify nor contact the consumer independently from the lead generation system; and (2) they are anonymous in that even the provider of the lead generation system is generally unable to identify the consumer because the system is able to function using only a small set of device identifiers, which include both permanent and session identifiers.

Applicant's application at (¶ [14], pp.3–4).

The specification of the present application describes a system and method for generating anonymous leads from anonymously submitted database search criteria. Referring to Fig. 1 of the present application, and the accompanying description, either a registered or an unregistered consumer uses a search-requestor device 140 to submit search criteria to server 120. (¶¶ [32] & [34], p.7). For each type of consumer, registered or unregistered, the user database 126 stores a user identifier and the search criteria. (¶ [34], p.7). For an unregistered consumer, the user identifier is equivalent to a device identifier. (¶ [36]-[37], p.8). The consumer's stored search criteria is organized as a prospect which may be presented as a lead to a business expert. (¶ [11], p.3). For an unregistered consumer, the business expert may send a proposal to server 120 for the consumer. Id. If the search-requestor device 140 connects to the server 120 again, then the server will forward the proposal to the device for viewing by any person, including the unregistered consumer. (¶¶ [37-39], pp.8-9). Thus, the business expert may only communicate with the search-requestor device through the server and the server may only communicate with the unregistered consumer through the search-requestor device. The actual unregistered consumer that originally used the particular search-requestor device is "truly" anonymous in that neither the business expert nor the server has any information about that person's identity. There

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is no way that a business expert can identify the unregistered consumer that submitted the search criteria to the server.

The Patent Office states the specification does not disclose anonymity because the "Applicant makes use of the electronic and software identifier features of the internet". (Office Action at p.3). As discussed above, the specification thoroughly and completely discloses and discusses anonymity, and thus complies with the written description requirement of 35 U.S.C. § 112, ¶ 1. Furthermore, even though the application discloses that an electronic identifier is used to identify a search-requestor device used by an unregistered consumer, no information about the unregistered consumer is ever submitted. The Patent Office's arguments indicate that the Patent Office confuses anonymity of the consumer with anonymity of a particular search-requestor device. While the server 120 stores search-requestor device information, the server does not store consumer identifying information. Further, there is no link between a search-requestor device and an unregistered consumer which could identify the consumer. Therefore, the Patent Office erred in rejecting claims 1 and 9 (and, thus, dependent claims 2-8 and 10-15), under the written description requirement of 35 U.S.C. § 112, ¶ 1.

3. **Appellant's Claims 1 and 9 Are Not Incomplete For Omitting Essential Steps**

The Patent Office erred in rejecting claims 1 and 9 under 35 U.S.C. § 112, ¶ 2 as being incomplete for omitting essential steps. The Patent Office states that claim 1 is missing an essential step between step (b) and step (c). (Office Action of June 18, 2007, p. 3). Step (b) requires "transmitting said prospect information to a business expert in a prospect presentation, wherein the prospect presentation is designed to enable generation of a proposal . . ." and step (c) requires "transmitting said proposal to a device . . .". The Patent Office, in citing M.P.E.P. § 2172.01, asserts that the essential missing step is "generating a proposal to be transmitted OR the

declining by the business expert of doing so, and the termination of the steps at that point."
(Office Action, page 3).

M.P.E.P. § 2172.01 presents two rejection scenarios. First, a claim which omits matter disclosed to be essential to the invention as described in the specification or in other statements of record may be rejected under the enablement requirement of 35 U.S.C. 112, ¶ 1. Second, a claim which fails to interrelate essential elements of the invention as defined by applicant(s) in the specification may be rejected under 35 U.S.C. 112, ¶ 2, for failure to point out and distinctly claim the invention.

Neither the first scenario nor the second scenario are applicable here because there are no statements, in the specification or otherwise, that "generating a proposal" is essential to the invention. Therefore, the claim does interrelate all the essential elements of the invention. Further, claims 1 and 9 are definite and clear when read in light of Figs. 4 and 5 and ¶¶ [92]-[112] of the present application which describe how a proposal is generated by a business expert. Therefore, the Patent Office erred in rejecting claims 1 and 9 (and, thus, dependent claims 2-8 and 10-15), under 35 U.S.C. § 112, ¶ 2 as being incomplete for omitting essential steps.

4(a). <u>Appellant's Claims 1, 9 and 16 Do Not Lack Antecedent Basis For The "transmitting said proposal" Step</u>

The Patent Office erred in rejecting claims 1, 9 and 16 under 35 U.S.C. § 112, ¶ 2 for lack of antecedent basis for "transmitting said proposal" in step (c) of claim 1. The Patent Office states that there is insufficient antecedent basis for this limitation because there is no prior step which creates the proposal. (Office Action of June 18, 2007, p. 3). In fact, the antecedent basis for "transmitting said proposal" is in step (b) which requires "wherein the prospect presentation is designed to enable generation of a proposal." As described in Section V, *Supra*, claims 1 and 9 are definite and clear when read in light of the specification, which describes how a proposal is

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generated by a business expert. Claim 16 requires computer program instructions which are similar to claim 1, thus, it is also clear and definite. Therefore, the Patent Office erred in rejecting claims 1, 9 and 16 (and, thus, dependent claims 2-8, 10-15 and 17-20), under 35 U.S.C. § 112, ¶ 2.

4(b). **Appellant's Claims 1, 9 and 16 Do Not Lack Antecedent Basis For "anonymously submitted database search criteria"**

The Patent Office erred in rejecting claims 1, 9 and 16 under 35 U.S.C. § 112, ¶ 2 for lack of antecedent basis for the claimed "anonymous leads from anonymously submitted database search criteria" in the preamble and for the "anonymously submitted database search criteria" in claim limitation (a)(ii). (Office Action of June 18, 2007, p. 3). There need not be antecedent basis for this clause in the preamble because that is where it appears for the first time in the claim. The argument accompanying the Patent Office's rejection seems to be oriented toward 35 U.S.C. § 112, ¶ 1. As discussed in Section VII 2, *Supra*, the specification <u>does</u> disclose anonymity and thus, the Patent Office's rejection of claims 1, 9 and 16 (and, thus, dependent claims 2-8, 10-15 and 17-20), under 35 U.S.C. § 112, ¶ 2 is erroneous.

5. **Appellant's Claims 1, 3, 5-9, 10, 12-16 and 18-20 Are Not Obvious Over Dahod et al. in view of Wilkins et al.**

Independent Claims 1, 9 and 16

The Patent Office erred in rejecting independent claims 1, 9 and 16 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,574,608 to Dahod et al. et al. in view of U.S. Patent No. 6,868,389 to Wilkins et al.

Independent claim 1 of the present application requires, among other things, "maintaining a prospect database identifying device-identifying information and corresponding prospect information comprising: prospect-identifying information, anonymously submitted search

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criteria, and search information corresponding to said search criteria". Similarly, independent claim 9 of the present application requires "a database for storing prospects having anonymously submitted search criteria", and independent claim 16 of the present application requires the step of "generating a prospect having anonymously submitted search criteria".

In rejecting claims 1, 9, and 16 as obvious, the Patent Office states that "Dahod et al. does not explicitly disclose a database which stores device identifying information," but that it would have been obvious to an ordinary practitioner in the art to retain device identifying information of both buyers and sellers and that Wilkins et al. discloses the retention of buyer and seller information through cookies planted by Web site operators. (Office Action of June 18, 2007, p. 3)

The invention claimed in the present application solves a problem that is not taught, disclosed, or suggested in the prior art. As stated in paragraph [14] of the present application, one of the objects of the present invention is to enable generation of business leads which are completely anonymous. That anonymity extends even to the provider of the lead generation system who is "unable to identify the consumer" (see paragraph [14] of present application). Dahod et al., on the other hand, requires registration of buyers and sellers and the submission of personal, identifying information which eventually is exchanged once a deal is reached between the buyer and the seller. It makes no sense to combine Dahod et al. and Wilkins et al., as suggested by the Patent Office, to include the cookies disclosed in Wilkins et al.. Simply adding the Wilkins et al. cookies to the Dahod et al. system would not produce anonymous leads, as the users in Dahod et al. are required to register with personal information. And replacing the user registration requirement in Dahod et al. with the cookies of Wilkins et al. is non-sensical, since the anonymity of such a system would prevent buyers and sellers from contacting each other, which is the purpose of the system of Dahod et al.. Since the combination of Dahod et al. and

Wilkins et al. suggested by the Patent Office would not even yield the invention claimed in claims 1, 9, and 16 of the present application, those claims are not obvious in view of the cited art, and the Patent Office's rejection should be withdrawn.

Additionally, in stating that it would have been obvious to one skilled in the art to modify Dahod et al. to include a cookie as disclosed in Wilkins et al., which tracks and retains buyer and seller information, the Patent Office overlooks the requirement of anonymity in the claimed invention. In fact, the Dahod et al. disclosure requiring registration by users and the Wilkins et al. disclosure using user-identifying cookies (where "on line behavior can be tracked and often linked to a person's name, home address, and telephone number. . ." see Wilkins et al., Col. 2, lines 49-51) both teach away from the anonymous lead generation system claimed in the present invention.

Lastly, since neither Dahod et al. nor Wilkins et al. alone disclose anonymously submitted search criteria, Dahod et al. and Wilkins et al. can not in combination teach every limitation of the rejected claims 1, 9 and 16. Instead, Dahod et al. teaches away from claims 1, 9 and 16 by disclosing a registered buyer submitting information about a product or service that the buyer wishes to purchase. Wilkins et al., as discussed, tracks and retains buyer and seller information.

In summary, Dahod et al. and Wilkins et al., either alone or in combination, are antithetical to the system claimed in the present application. Dahod et al. discloses collecting personal information and exchanging that information between registered buyers and sellers, Wilkins et al. discloses cookies that link to a user's identity, and the system claimed in the present application, generating leads of users who remain anonymous. There is absolutely no suggestion in the art to combine Dahod et al. and Wilkins et al. as suggested by the Patent Office, and doing so would yield only a non-sensical system, not the anonymous lead generating

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system claimed in the present application. Thus, independent claims 1, 9 and 16 of the present application are not obvious over Dahod et al. in view of Wilkins et al., and the Patent Office's rejection should be withdrawn.

Dependent Claims 2-8, 10-15 and 17-20

Claims 2-8, 10-15 and 17-20 depend from independent claims 1, 9 and 16 respectively. Since those independent claims are allowable for the reasons discussed above, the corresponding dependent claims are also allowable, and the examiner's rejection should be overturned.

6.   Appellant's Claims 2, 11 and 17 Are Not Obvious Over Dahod et al. and Wilkins et al. and Further In View of Liu

The Patent Office erred in rejecting dependent claims 2, 11 and 17 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,574,608 to Dahod et al. et al. in view of U.S. Patent No. 6,868,389 to Wilkins et al. and further in view of U.S. Patent No. 6,839,680 to Liu et al. The Patent Office states that neither Dahod et al. nor Wilkins et al.

The examiner cited Liu as providing limitations present in dependent claims 2, 11 and 17 of the application. Since independent claims 1, 9 and 16 are allowable for the reasons stated above, the claims depending from those independent claims are also allowable, as discussed above.

Thus, the examiner's rejection of dependent claims 2, 11 and 17 should be overturned, and the claims should be allowed.

7.   Appellant's Claim 4 Is Not Obvious Over Dahod et al. and Wilkins et al. and Further In View Of Walker et al.

The Patent Office erred in rejecting dependent claim 4 as unpatentable under 35 U.S.C. § 103(a) as obvious over Dahod et al. and Wilkins et al., and further in view of U.S. Patent Application 2002/D169,626 to Walker et al..

The examiner cited Walker et al. as providing limitations present in dependent claim 4 of the application. Since independent claims 1 is allowable for the reasons stated above, the claims depending from claim 1 are also allowable, as discussed above.

Thus, the examiner's rejection of dependent claim 4 should be overturned, and the claim should be allowed.

8. **Appellant's Claim 21 Is Not Obvious Over Dahod et al. in view of Walker et al.**

The Patent Office erred in rejecting independent claim 21 under 35 U.S.C. § 103(a) as obvious over Dahod et al. in view of U.S. Published Application No. 2002/0169626 to Walker et al..

Independent claim 21 of the present application requires, among other things, storing search criteria in association with search-requestor information, without a requirement of user registration. As discussed above, the buyer-driven system of Dahod et al. teaches away from a non-registration system, and specifically requires users to register in order to receive proposals from the system (see Dahod et al., column 5, lines 7-21. Similar to Dahod et al., Walker et al. requires that merchants register in the system with their contact information (see FIG. 9, and paragraph [0062] of Walker et al.). Thus, like Dahod et al., Walker et al. also teaches away from a non-registration system as claimed in claim 21 of the present application.

As stated in M.P.E.P. §2145, it is improper to combine or modify references where the references teach away from that combination or modification. Here, Dahod et al. and Walker et al. each teach away from allowing users to access the system without first registering. There is absolutely no disclosure, teaching, or suggestion in either Dahod et al. or Walker et al. to allow anonymous use of the system, as required in claim 21 of the present application. Nor would it even make sense to do so, since the systems of Dahod et al. and Walker et al. are intended to

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match an identifiable buyer to an identifiable seller Thus, for at least this reason, the Patent Office's rejection of claim 21 is unsupported by the art, and should be withdrawn.

In addition, claim 21 of the present application requires storing search criteria in association with search-requester information. Neither Dahod et al. nor Walker et al., nor their combination, make any teaching, suggestion, or disclosure of storing such search criteria. As stated in MPEP §2143.01, the mere fact that references can be modified does not render the resultant modification obvious unless the prior art also suggests the desirability of the modification. There is no suggestion of the desirability of storing search criteria in either Dahod et al. or Walker et al., thus, the Patent Office's proposed combination of Dahod et al. and Walker et al. also fails to suggest the storing of such criteria. For this additional reason, the Patent Office's rejection of claim 21 should be withdrawn.

Lastly, since neither Dahod et al. nor Walker et al. alone discloses storing search criteria without a requirement of user registration, Dahod et al. and Walker et al. can not in combination teach every limitation of the rejected claim 21. Instead Walker et al. requires merchants to register. As discussed, Dahod et al. does not disclose, as required by claim 21, storing search criteria without a requirement of user registration. Therefore, both Dahod et al. and Walker et al. teach away from claim 21.

In summary, Dahod et al. and Wilkins et al., either alone or in combination, are antithetical to the system claimed in the present application. Thus, independent claim 21 of the present application is not obvious over Dahod et al. in view of Walker et al., and the Patent Office's rejection should be withdrawn.

9.   **Appellant's Claims 24 and 25 Are Not Obvious Over Dahod et al. In View of Walker et al. and Further In View Of Flight et al.**

The Patent Office erred in rejecting dependent claims 24 and 25 (which depend from claim 21) stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,574,608 to Dahod et al. in view of U.S. Patent Application No. 2002/0169626 to Walker et al. as applied to claim 21, and further in view of U.S. Patent 6,662,199 to Flight et al.

The examiner cited Flight et al. as providing limitations present in dependent claims 24 and 25 of the application. Since independent claim 21 is allowable for the reasons stated above, the claims depending from claim 21 are also allowable, as discussed above.

Thus, the examiner's rejection of dependent claims 24 and 25 should be overturned, and the claim should be allowed.

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In summary, Applicant believes this application is in condition for allowance. The Board is respectfully asked to reconsider the application in light of the foregoing. Applicant submits that pending claims 1-25 are patentable and should be allowed.

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VIII. CLAIMS APPENDIX

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See Claim Appendix (Pending Claims) attached hereto.

<div align="center">

IX. EVIDENCE APPENDIX

</div>

None.

<div align="center">

X. RELATED PROCEEDINGS APPENDIX

</div>

None.

Respectfully submitted,

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CLAIMS APPENDIX

1.   A computer-implemented method for generating anonymous leads from anonymously submitted database search criteria, comprising:

(a)   maintaining a prospect database identifying device-identifying information and corresponding prospect information comprising:

(i)   prospect-identifying information,

(ii)   anonymously submitted search criteria, and;

(iii)   search information corresponding to said search criteria;

(b)   transmitting said prospect information to a business expert in a prospect presentation, wherein the prospect presentation is designed to enable generation of a proposal, and wherein the prospect information does not include the device-identifying information from a prospect; and

(c)   transmitting said proposal to a device associated with the prospect for which the proposal is generated.

2.   The computer-implemented method of claim 1, wherein the search information also corresponds to post-search browsing activity data.

3.   The computer-implemented method of claim 1, wherein the prospect database identifies prospect information for a plurality of prospects, all of which are active.

4.   The computer-implemented method of claim 1, further comprising:

(a)   transmitting a notification to a business expert of a new prospect; and

(b)   maintaining a tracking status of a proposal.

5.   The computer-implemented method of claim 1, wherein the prospect also has gateway information if available, and wherein the prospect information provided to a specific business expert does not include data from prospects having particular gateway information if the specific business expert does not have an affiliation with the particular gateway.

6.   The computer-implemented method of claim 1, wherein the transmitting proposal step comprises:

(a)   receiving a request for a formatted set of data, wherein the request includes a device identifier;

(b)   checking a status indicator to determine whether a proposal should be provided;

(c)   adding a proposal notification to the requested formatted set of data, if the checking step results in a determination that a proposal should be provided; and

(d)   transmitting the formatted set of data.

7.   The computer-implemented method of claim 6, wherein the proposal notification provides a link to a proposal-viewer, which enables anonymous communication between the device user and the business expert.

8.   The computer-implemented method of claim 7, wherein the status indicator is included in the request, and wherein the formatted set of data comprises a web page, the prospect presentation comprises one or more web pages, the proposal-viewer comprises one or more web pages, the device identifier comprises a cookie, the status indicator comprises a cookie, and the prospect comprises an XML data set.

9.   A computer system for anonymously connecting business experts with consumers, comprising:

(a)   a database for storing prospects having anonymously submitted search criteria; and search information corresponding to said search criteria; and

(b)   a server engine coupled with a network and the database, the server engine being configured to:

(i)   receive requests including device-identifying information and anonymously submitted search criteria;

(ii)   generate the prospects;

(iii)   supply a business database with the anonymously submitted search criteria;

(iv)   provide anonymous leads derived from the prospects; and

(v)   furnish proposals directed to users of identified devices.

10.   The computer system of claim 9, further comprising the business database.

11.   The computer system of claim 9, wherein the search information also corresponds to post-search browsing activity data.

12.   The computer system of claim 9, wherein the server engine is further configured to not provide anonymous leads derived from particular prospects to particular business experts based upon gateway information for the particular prospects and gateway affiliation information for the particular business experts.

13.   The computer system of claim 9, wherein the server engine is configured to furnish the proposals by selective use of session identifiers and device identifiers.

14.   The computer system of claim 13, wherein the server engine is further configured to enable anonymous communication between proposal generators and proposal receivers.

15.   The computer system of claim 13, wherein the business database contains data regarding real estate, and wherein the server engine comprises a web server, the session identifiers are session cookies, and the device identifiers are permanent cookies.

16.   A computer readable medium having computer program instructions stored

therein, the computer program instructions comprising instructions for:

(a)   generating a prospect having:

(i)   device-identifying information;

(ii)   prospect-identifying information,

(iii)   anonymously submitted search criteria; and

(iv)   search information corresponding to said search criteria;

(b)   providing prospect information to a business expert in a prospect presentation,

        wherein the prospect presentation is designed to enable generation of a proposal,

        and wherein the prospect information does not include the device-identifying

        information from the prospect; and

(c)   providing the proposal to a device associated with the prospect for which the

        proposal is generated.

17.   The computer readable medium of claim 16, wherein the search information also

corresponds to post-search browsing activity data.

18.   The computer readable medium of claim 16, wherein the prospect also has

gateway information if available, the computer program instructions further comprising

instructions for:

(a)   checking for gateway information prior to executing the providing prospect

information instructions; and

(b)   excluding specific business experts from receiving prospect information

associated with a gateway if the specific business experts lack an association with

the gateway.

19.   The computer readable medium of claim 16, further comprising instructions for:

(a)   receiving a request for a formatted set of data, wherein the request includes a

device identifier;

(b)   checking a status indicator to determine whether a proposal should be provided;

(c)   adding a proposal notification to the requested formatted set of data, if the

checking step results in a determination that a proposal should be provided; and

(d)   sending the formatted set of data.

20.   The computer readable medium of claim 19, wherein the status indicator is

included in the request, and wherein the formatted set of data comprises a web page, the prospect

presentation comprises one or more web pages, the proposal-viewer comprises one or more web

pages, the device identifier comprises a cookie, the status indicator comprises a cookie, and the

prospect comprises an XML result set.

21.   A computer-implemented method for anonymously connecting sales agents with consumers of housing, comprising:

(a)   providing a software application designed to communicate with a database containing information regarding housing, wherein the software application is accessible via a computer network and enables searching of the database, whereby search criteria is stored in association with search-requestor information without a requirement of user registration; and

(b)   wherein the software application generates prospects from the search criteria for viewing, and the software application enables generation of search-requestor-directed proposals based upon the prospects without revealing contact information for the search-requestor.

22.   The computer-implemented method of claim 21, wherein the software application further enables anonymous communication between a proposal-creator and a proposal-receiver.

23.   The computer-implemented method of claim 21, wherein the information regarding housing includes information regarding real estate for sale, information regarding factory-built homes, information regarding common interest developments, and information regarding apartments for rent.

24.   The computer-implemented method of claim 21, wherein the software application

comprises:

(a)   a presentation layer;

(b)   a middle layer, having business rule implementation objects, communications

        objects and database messaging objects; and

(c)   a database.

25.   The computer-implemented method of claim 24, wherein the database messaging

objects include objects for translating XML data into a data-base specific format.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.